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TO: The Honorable John A. Alario, Senate President
Honorable Members of the Louisiana Senate

FROM: John D. Carpenter, Legislative Fiscal Officer
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DATE: May 28, 2014

SUBJECT: House Rule 7.19, HB 1 Reengrossed w/SFC Amendments, Act 419, FY 16 Financing Replacement

Pursuant to House Rule 7.19, the Legislative Fiscal Office (LFO) is required to submit a report to the House of Representatives, which indicates whether the appropriation bill appropriates one-time money within the Engrossed version of HB 1. The LFO is providing this list for HB 1 – Reengrossed with Senate Finance Committee amendments including a description of the changes that have occurred as a result of Act 419 and a discussion of the FY 16 financing decisions that will have to be made in FY 16 as a result of the current structure of the FY 15 operating budget.

If you have any questions about any of the information presented in this memo, please contact me by email at carpenterj@legis.la.gov or by phone at 225-342-7233.

Act 419 of 2013 Regular Legislative Session

The Revenue Estimating Conference (REC) began comprehensively incorporating statutory dedications and self-generated revenue into the revenue forecast at the January 15, 2014 meeting. Virtually all monies associated with these additions to the forecast were designated as recurring revenue. The only exception to this was the designation of \$67 M of FY 15 Overcollections Fund resources as nonrecurring. *Note: Other non-recurring items include \$160.9 M – FY 13 Prior Year Surplus & \$20.2 M – Prior Year rescinded capital outlay projects.*

TABLE 1	
Non-Recurring Item	SGF (in millions)
LDR Fraud Initiative	\$32.0
LA Housing Corporation	\$25.0
Office of Debt Recovery	\$10.0
TOTAL	\$67.0

**REC recognized total non-recurring revenue of \$132 M, though the LA Housing Corporation figure was subsequently reduced from \$40 M to \$25 M and the \$50 M from the New Orleans Convention Center was removed in adopted HAC amendments to HB 1026.*

These specific nonrecurring resources include, \$32 M from Revenue Dept. fraud initiatives, \$25 M from the LA Housing Corp. (originally \$40 M when presented to the REC) and \$10 M from the Office of Debt Recovery (See Table 1).

Table 2	
Recurring Item	SGF (in millions)
Various Fund Sweeps	\$41.1
DOA SGR	\$7.9
LPAA (State Surplus Property) SGR	\$3.7
SGF Reversions	\$13.0
Pharmaceutical Settlements	\$106.0
Interest from Legal Settlement	\$9.0
Sinking Fund for Major Repairs & Equipment Purchases (State Buildings)	\$7.0
Office of Aircraft Services SGR	\$0.3
Office Facilities Corporation	\$25.0
Risk Management	\$34.0
Go Zone Bond Repayment*	\$25.5
TOTAL	\$272.5

Specific Overcollections Fund resources expected to be received in FY 14 but supporting the FY 15 budget, the majority of which has been designated recurring by the REC, include \$106 M of pharmaceutical legal settlements, \$34 M from the Self-Insurance Fund, \$25 M of excess bond funding in the Office Facilities Corp., \$41.1 M of various fund balances, \$13 M of estimated unspent SGF appropriations, \$9 M of interest from underground storage tank legal settlements, \$7 M from repair and maintenance sinking funds associated with state building bond financing, \$7.9 M of estimated unspent SGR appropriations within the Division of Administration’s budget, \$3.7 M from surplus property sales excess receipts and \$250,000 of excess receipts by the Office of Aircraft Services (See Table 2).

**HB 1 Reengrossed with Senate Committee amendments includes \$25.5 M of resources being deposited into the Overcollections Fund from paying off GO Zone Bonds. This specific item may have been included in the Overcollections Fund total presented to the REC at its May 2014 meeting, but an itemized listing of the fund’s components was not presented for REC consideration.*

HR 7.19 One-Time Money List

Pursuant to HR 7.19(C)(2), the threshold calculation is the difference between the FY 15 SGF forecast of \$8,682.6 B and FY 16 SGF forecast of \$8,921.8 B, which equates to a \$239.2 M threshold. Thus, based upon the HR 7.19, there can no more than \$239.2 M of HR 7.19 defined one time

money in the FY 15 budget.

After Senate Finance Committee amendments to HB 1 and HB 1026, there is \$41,528,429 of one time money allowable by HR 7.19 in HB 1. Table 3 includes a detailed listing of all components considered in the LFO decision-making process to determine HR 7.19 defined one-time money and potential financing needs in FY 16.

Even though there is \$41.5 M of HR 7.19 defined one time money in HB 1 Reengrossed with Senate Finance Committee amendments, there is at least \$971.7 M of resources appropriated in HB 1 Reengrossed with Senate Finance Committee amendments that will require another financing source in the FY 16 budget (See Table 4). The \$971.7 M of financing needs are in addition to any other continuation budget requirements not yet solved in the FY 15 budget. These additional funding requirements will likely result in an FY 16 anticipated funding shortage in excess of \$971.7 M.

TABLE 3		
HB 1026 RESOURCES (FUNDS BILL)		
Funds Sweeps		
Community Water Enrichment Fund		\$777,318
DOJ Debt Collection Fund		\$90,375
DOJ Legal Support Fund		\$191,558
DHH Facility Support Fund		\$238
DNA Testing Post-Conviction Relief for Indigent Fund		\$1,773
Employment Security Administration Account		\$3,850,189
FEMA Reimbursement Fund		\$35,375
Fish & Wildlife Violations Reward Fund		\$679
Hazardous Waste Site Cleanup Fund		\$2,681,729
Health Care Facility Fund		\$267,900
LA Interoperability Communications Fund		\$17,329
LA Help Our Wildlife Fund		\$496
Marketing Fund		\$24,064
Medical & Allied Health Professional Education Scholarship & Loan Fund		\$187
Small Business Surety Bonding Fund		\$409,144
2% Fire Insurance Fund		\$1,544,046
UNO Slidell Technology Park		\$111
Variable Earnings Transaction Fund		\$19,892
Payments Toward the UAL Fund		\$12,570,426
Riverboat Gaming Enforcement Fund		\$18,600,000
Total Various Funds Sweeps		\$41,082,829
LA Housing Corporation		\$25,000,000
Self Insurance Fund		\$34,000,000
DOA Excess SGR and excess collections from LPAA & Aircraft Services		\$43,850,000
Interest amounts earned from recoupment of underground storage tank settlements		\$9,000,000
SGF Reversions		\$13,067,171
LDR Fraud Initiative Resources		\$32,000,000
Debt Recovery Fund		\$10,000,000
Pharmaceutical legal settlements (Act 420 of 2013 RLS - Funds Bill)		\$106,000,000
Go Zone Bond Repayment (Act 420 of 2013 RLS - Funds Bill) (Morial Convention Center Debt Payoff)		\$25,528,429
SUB-TOTAL HB 1026 ORIGINAL RESOURCES (FUNDS BILL)		\$339,528,429
HISTORICALLY DESIGNATED NON-RECURRING RESOURCES		
RLS 2012 Rescinded Capital Outlay Projects previously funded with SGF		\$20,154,310
FY 13 Prior Year SGF Surplus		\$160,887,965
SUB-TOTAL HISTORICAL DESIGNED NON-RECURRING RESOURCES		\$181,042,275
EXPIRING RESOURCES		
Medicaid Trust Fund for the Elderly		\$233,734,602
Mortgage Settlement Monies (DOJ SGR)		\$4,563,971
TOPS Fund (Tobacco Refinance)		\$22,000,000
2013 Tax Amnesty Fund (Phase I & Phase II)		\$156,539,178
SGF Savings from Hiring Freeze		\$7,438,153
LA Health Insurance High Risk Pool		\$16,000,000
FY 14 Bond Premium (February 2014)		\$34,212,631
SUB-TOTAL EXPIRING RESOURCES		\$474,488,535
HB 2 APPROPRIATIONS		
WISE Initiative		\$11,000,000
SUB-TOTAL HB 2 APPROPRIATIONS		\$11,000,000
FEDERAL RESOURCES		
CDBG Program Income (WISE Initiative)		\$12,150,000
Department of Corrections (IAT FEMA Reimbursements)		\$5,995,909
SUB-TOTAL FEDERAL RESOURCES		\$18,145,909
Total		\$1,013,205,148
Less: One-time expenditures	(\$283,257,030)	
Less: Act 419 Funds/SGR	(\$412,273,780)	
Less: REC deemed recurring Overcollections Fund Resources	(\$247,000,000)	
Less: Federal Resources	(\$18,145,909)	
Less: HB 2 Appropriations (WISE Initiative)	(\$11,000,000)	
Total HR 7.19 Exceptions		(\$971,676,719)
Total HR 7.19 One-Time Money		\$41,528,429
House Rule 7.19 Threshold (per latest adopted revenue forecast - 1 / 15 / 2014)*		\$239,200,000
Amount (Under)/Over Threshold		(\$197,671,571)
Itemized One-Time Monies:		
LA Health Insurance High Risk Pool (Transfer into the Mega Project Development Fund)		\$16,000,000
Go Zone Bond Repayment Debt Balance Payoff		\$25,528,429
Total HR 7.19 One-Time Money		\$41,528,429

*Pursuant to HR 7.19 (C)(2), the threshold calculation is the difference between FY 15 SGF forecast of \$8,682.6 billion and FY 16 SGF forecast of \$8,921.8 billion. Thus, the HR 7.19 threshold is \$239.2 million.

FY 16 Replacement Financing Decision List

Although HR 7.19 contains a definition of “one-time money,” the rule itself is not indicative of the significant financing decisions that will have to be made in FY 16 relative to the current structure of the FY 15 operating budget. Due to this issue, the LFO is not only providing the HR 7.19 list to comply with the House Rule, but we are also providing you with a list of the significant potential FY 16 financing replacements that will have to be made as a result of the proposed FY 15 budget. See Table 4 below for a listing and description of resources being utilized in FY 15 that will likely require another revenue source in FY 16.

TABLE 4

Program	Potential Financing Replacement in FY 16 <i>(in millions)</i>	FY 15 Funding Sources
MVP - Overcollections Fund	\$261.1	\$261.1 M REC Recurring Overcollections Fund - funds sweeps, various DOA SGR resources, Pharmaceutical Settlements, Self Insurance Fund, Go Zone Bond Repayments. These resources are utilized to fund recurring Medicaid expenditures (09-306).
MVP - Medicaid Trust Fund for the Elderly	\$233.7	Monies will be exhausted in FY 15 and other resources will have to be identified in FY 16.
MVP - 2013 Tax Amnesty Fund	\$156.5	Remaining Phase I & projected Phase II resources. Phase III collections are above projections from Phase II could be utilized to replace a portion of these Medicaid expenditures though the specific amount of Phase III collections is indeterminable at this time. Phase II collections are anticipated to be approximately \$100 M.
Advanced Debt Payment - SGF	\$210.0	REC Non-Recurring Revenues & other revenues - LA Housing Corporation (\$25 M), DOJ Mortgage Settlement Funds (\$4.6 M), SGF savings from Executive Order freezes (\$6.0 M), other various SGF reductions in HB 1094 (\$1.4 M), along with FY 13 Prior Year Surplus (\$152.8 M) and FY 12 Rescinded Capital Outlay Projects (\$20.2 M) is being utilized to fund the advance debt payment. This use of these resources frees up SGF that would otherwise have been utilized on GO bond debt payments. This budget mechanism is essentially a way to bring non-recurring resources into the state's operating budget.
Bond Premium - SGF	\$34.2	In FY 14 the state sold GO bonds that generated a bond premium. Much like the advanced debt payment discussed above, utilizing these resources reduces the amount of SGF allocated for debt payments. This resource basically frees-up a like amount of SGF to expend elsewhere in the FY 15 operating budget.
Corrections - FEMA Reimbursements Retirement Costs	\$6.0	FEMA Reimbursements from Gustav project worksheets have been utilized to pay recurring retirement costs in FY 15.
Department of Revenue	\$20.0	SGF need due to exhausting all retained SGR proceeds from the Tax Amnesty Program if REC SGR projection is correct.
TOPS Fund	\$22.0	Remaining proceeds from the Tobacco Refunding. These funds will have to be replaced in FY 16 from the TOPS Fund, which funds the TOPS Program.
Health Insurance High Risk Pool	\$16.0	Senate Finance Committee amendments provide for the remaining proceeds from the LA Health Insurance High Risk Pool to be transferred to the Mega-Project Development Fund once all current obligations are paid. This risk pool is no longer needed due to the Affordable Care Act (ACA) requirements. These funds are utilized to pay economic development obligations in lieu of utilizing SGF.
WISE Fund (CDBG Program Income)	\$12.2	CDBG Program Income is currently being utilized to fund the WISE Initiative (HB 1033) for FY 15. Utilizing these resources likely requires a State Action Plan amendment approval by HUD. These resources are one time money program income funds that will have to be replaced in FY 16.
Potential November 2014 Bond Sale	?	<i>See information below</i>
TOTAL	\$971.7	

The FY 15 budget anticipates a \$300 M bond sale that is expected to require SGF for debt service in FY 16, the amount of which will depend on the final structure of the bonds. Level debt at 5% over 20 years places this amount at \$24 M in principal and interest for FY 16.